

# URGENT ACTION

## SALAR SHADIZADI'S EXECUTION POSTPONED

**Iranian juvenile offender Salar Shadizadi's execution has been postponed, to allow efforts to get the murder victim's family to pardon him. He remains at risk as the authorities have not yet granted Salar Shadizadi a fair retrial, in accordance with the principles of juvenile justice and without recourse to the death penalty.**

The Prosecutor General of Gilan Province confirmed less than two days before the scheduled date that his execution has been postponed to January. He was returned from solitary confinement to the general ward of Rasht's Lakan Prison in northern Gilan Province. This is the third time that **Salar Shadizadi** has been subjected to the mental anguish of being transferred to solitary confinement in preparation for his execution and then told, at the last minute, that it has been postponed.

Salar Shadizadi, now aged 24, was sentenced to death for stabbing a friend by Branch 11 of the Provincial Criminal Court of Gilan Province, in December 2007, under the Islamic principle of *qesas* (retribution-in-kind). He was 15 years old at the time. The Supreme Court upheld the sentence in March 2008. In July 2013, Salar Shadizadi requested a commutation of his death sentence based on Article 91 of the 2013 Islamic Penal Code. This led to his case being sent back and forth between the Provincial Criminal Court of Gilan Province and the Supreme Court. Eventually, in April 2015, Branch 13 of the Supreme Court denied Salar Shadizadi's request, stating: "The prima facie presumption is that individuals who have passed the age of *bolugh* [15 lunar years for boys, nine for girls] have attained full mental maturity... A claim to the contrary requires proof, which has not been established here." The court cited an opinion from the Legal Medicine Organization of Iran (LMOI) from 2013 that Salar Shadizadi had been "sane" at the time of the crime but his mental maturity could not be assessed years after the crime.

### **Please write immediately in in Persian, English, Spanish, French or your own language:**

- Urging the Iranian authorities to immediately halt any plans to execute Salar Shadizadi and ensure that his death sentence is quashed and he is granted a fair retrial, in accordance with the principles of juvenile justice and without recourse to the death penalty;
- Reminding them that customary international law as well as the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, both of which Iran has ratified, strictly prohibit the use of the death penalty for crimes committed by persons below the age of 18;
- Expressing concern that, in *qesas* cases, the power to pardon lies entirely with the family of the murder victim, without any fair public system for seeking pardon from state authorities, as required under international law.

### **PLEASE SEND APPEALS BEFORE 13 JANUARY 2016 TO:**

The Office of the Supreme Leader  
Ayatollah Sayed 'Ali Khamenei  
Islamic Republic Street- End of Shahid  
Keshvar Doust Street  
Tehran, Islamic Republic of Iran  
Email: via website  
[http://www.leader.ir/langs/en/index.php?  
p=letter](http://www.leader.ir/langs/en/index.php?p=letter)  
Twitter: @khamenei\_ir (English)  
**Salutation: Your Excellency**

Head of the Judiciary  
Ayatollah Sadegh Larijani  
c/o Public Relations Office  
Number 4, 2 Azizi Street intersection  
Tehran, Islamic Republic of Iran  
Email: [info@humanrights-iran.ir](mailto:info@humanrights-iran.ir)  
**Salutation: Your Excellency**

**And copies to:**  
Prosecutor General of Tehran  
Abbas Ja'fari Dolat Abadi  
Tehran General and Revolutionary  
Prosecution Office  
Corner (Nabsh-e) of 15 Khordad Square  
Tehran, Islamic Republic of Iran

### **Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:**

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the fourth update of UA 165/15. Further information: <https://www.amnesty.org/en/documents/mde13/2934/2015/en/>

**AMNESTY  
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## SALAR SHADIZADI'S EXECUTION POSPONED

### ADDITIONAL INFORMATION

Salar Shadizadi was arrested in February 2007 after his friend's dead body was found in a garden that had belonged to Salar Shadizadi's family. Salar Shadizadi was accused of murder. Writing his will in a letter from prison in November 2015, Salar Shadizadi explained, for the first time, how he "unintentionally" caused the "catastrophic" death of his childhood friend by stabbing, in the dark, a moving object that had frightened him. It was covered in green cloth, and he said he realized that it was his friend only after he had stabbed it. This happened, he said, during a "silly game" where his friend had dared him to go into the garden at night, knowing that Salar Shadizadi was afraid of the dark and his grandmother had warned him since childhood that the garden was haunted by "evil spirits" (*jen*). Salar Shadizadi also said in the letter that the environment in the police station, where he was detained without access to his family or a lawyer, was so intimidating and coercive that he did not dare to tell the truth about what had happened. He added that he intended to tell the truth during his trial, but his lawyer persuaded him to remain silent.

The execution of Salar Shadizadi was scheduled for 1 August 2015 but was postponed at the last minute, possibly as a result of international pressure. His execution had been scheduled and postponed before this, in July 2013. That time, the authorities also halted the execution at the last minute, after Salar Shadizadi requested a commutation of his death sentence based on Article 91 of the revised Islamic Penal Code adopted into law in May 2013. This article allows judges to replace the death penalty with an alternative punishment if they find that a juvenile offender convicted of murder did not understand the nature of the crime or its consequences, or there are doubts about his or her "mental maturity and development".

The Provincial Criminal Court of Gilan Province referred Salar Shadizadi to the LMOI to examine whether Salar Shadizadi had attained "mental maturity" at the time of the crime and understood the nature and consequences of his conduct. The LMOI found that "there is no evidence to conclude that Salar Shadizadi was insane at the time of the crime but examining his mental growth seven years after the event is impossible." Faced with this finding and unclear about the appropriate process for applying the 2013 Islamic Penal Code to juvenile offenders sentenced to death before the Code was adopted, the Gilan Provincial Criminal Court made a request to the Supreme Court to decide the question of commutation based on the revised Penal Code. Branch 13 of the Supreme Court ruled in November 2014 that any request to commute the sentence based on the 2013 Islamic Penal Code must be made to the court that had handed down the death sentence.

Salar Shadizadi's case came before Branch 13 of the Supreme Court again in April 2015. This was after the General Board of Iran's Supreme Court issued a "pilot judgment" (*ra'ye vahdat-e ravieh*) in a separate case in December 2014 and ruled that everyone on death row for crimes committed when they were under 18 was entitled to request a retrial. Despite this ruling, Branch 13 of the Supreme Court denied Salar Shadizadi's request.

The Convention on the Rights of the Child (CRC) provides in Article 37, "Neither capital punishment nor life imprisonment without the possibility of release shall be imposed for offences committed by persons below eighteen years of age".

Name: Salar Shadizadi

Gender m/f: m

Further information on UA: 165/15 Index: MDE 13/2994/2015 Issue Date: 2 December 2015